

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

KEVIN SHEILS,

Plaintiff,

9:06-CV-407

vs

T. FLYNN, B. LeCUYER, and T. SEAMEN,
Each Nurse Administrator; CAHILL, CHAMPAGNE,
WHALEN, and LEE, Each Primary Care Physician;
OTIS and RYAN, Each Registered Nurse,

Defendants.

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APPEARANCES:

OF COUNSEL:

KEVIN SHEILS

Plaintiff, *pro se*

99-A-5444

Elmira Correctional Facility

Box 500

Elmira, NY 14902

HON. ANDREW M. CUOMO

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State of New York

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HEATHER R. RUBINSTEIN, ESQ.

SENTA B. SIUDA, ESQ.

Assts. Attorney General

DAVID N. HURD

United States District Judge

**DECISION and ORDER**

Plaintiff, Kevin Sheils, brought this civil rights action pursuant to 42 U.S.C.

§ 1983. By Report-Recommendation dated May 27, 2009, the Honorable George H. Lowe,  
United States Magistrate Judge, recommended that defendants' motion for summary

judgment (Docket No. 50) be granted and that plaintiff's cross motion for summary judgment (Docket No. 53) be denied, and that all claims against defendant Otis be dismissed pursuant to Fed. R. Civ. P. 4(m). The plaintiff has timely filed lengthy objections to the report-recommendation.

Based upon a careful review of the entire file and the recommendations of Magistrate Judge Lowe, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

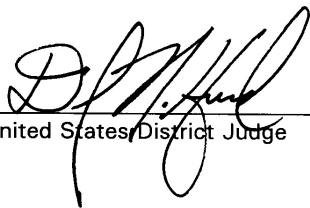
Accordingly, it is

ORDERED that

1. Defendants' motion for summary judgment is GRANTED;
2. Plaintiff's cross-motion for summary judgment is DENIED;
3. The claims against defendant Otis are DISMISSED;
4. The complaint is DISMISSED in its entirety; and
4. The Clerk is directed to enter judgment accordingly and close the file.

IT IS SO ORDERED.

Dated: September 2, 2009  
Utica, New York.



United States District Judge